IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.121 OF 2005

Sharda Shrirang Tambe & Anr. ..Petitioner.

Versus

General Manager, Brihan Mumbai
Dudh Yojna, Worli & Anr. ..Respondents.

Mr. H. E. Palwe for the Petitioner.

Mr. P. M. Mokashi for the Respondents.

CORAM: DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 23RD JUNE, 2005

P.C.

1. This Petition has been filed by the Petitioner seeking an appointment to Class III post on compassionate grounds. It is mentioned in the Petition that husband of the Petitioner was working with Respondent No.1 General Manager, Brihan Mumbai Dudh Yojna, Worli, and he died while in service on 23rd February, 2004. The

Petitioner filed an application for giving appointment to her son on compassionate ground but that application has yet not been decided. The Petitioner has prayed that her application be decided on an early date.

2. During the pendency of this Petition, the Petitioner has filed an affidavit in which it is stated that she unconditionally undertakes to vacate the official accommodation given to her husband who was employed with Respondent No.1. She also undertook to vacate the premises within two months. The affidavit filed in Court is taken on record.

3. We direct the Petitioner to hand over the vacant possession of the official premises given to her husband while he was in service on or before 31st August, 2005. We further direct the Petitioner not to create any third party rights in the official accommodation given to her husband while he was in service. The Petitioner also undertakes to pay the outstanding arrears of rent at the time of vacating the premises.

4. Since the Petitioner has taken a reasonable stand, we

direct that the Petitioner's application for grant of appointment on a compassionate ground shall be considered as expeditiously as possible and, in any event, within two months from the date of receipt of this order.

5. No further directions are necessary. This Petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.